IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 13640 of 2004

Between:

Smt. Prameela, W/o. Late Sureshwar,
R/o. Kismathpura (V), Rajendranagar (M),
Ranga Reddy District.

... PETITIONER

AND

The Senior Regional Manager, Food Corporation of India,
HACA Bhavan, IIIrd Floor, Public Garden Road, Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction particularly in the nature of writ of Mandamus declaring the action of the respondent not appointing the petitioner to the suitable post under the compassionate grounds in place her husband who died while in service is as arbitrary, illegal, contrary to law and on without justified reasons and in violation of Article 14, 19 (1)(g) and 21 of the Constitution of India and violation of principles of natural justice consequently direct the respondent considered the case of the petitioner for appointment to the suitable post in the respondent corporation under the compassionate grounds in place order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.NARENDER

Counsel for the Respondent No.: MR.B.ANJANEYULU, SC for FCI

The Court made the following Order:

ORDER:

The petitioner is the wife of an employee of the respondent-corporation. The husband of the petitioner died on 15-02-2000 in harness while in service leaving the petitioner and three minor children. As per the circular instructions of the respondent-corporation dated 14-05-2001, there is a provision for compassionate appointment of any of the dependants of a deceased employee of the corporation. In pursuance of that, the petitioner made an application on 01-06-2000 requesting the respondent to appoint her in any suitable post on compassionate grounds on account of the death of her husband on 15-02-2000.

2. Learned counsel for the petitioner submits that though the petitioner submitted the said application, the respondent did not so far consider her request and pass appropriate orders regarding her appointment on compassionate grounds.

3. On the other hand, the learned counsel for the respondent submits that though the Zonal Manger is the competent authority, the petitioner made an application to the Senior Regional Manager; therefore appropriate orders could not be passed. He also represented that the petitioner submitted some documents as requested by the respondent on 14-02-2003. The respondent gained an impression that she made the application on that date and he further submitted that if the application made by the petitioner is not available with the respondent, the petitioner may be directed to give a copy of the application dated 01-06-2000 along with the necessary documents to enable the respondent to process the matter and pass appropriate orders. In the light of the circumstances explained by the learned counsel for the petitioner and the counsel for the respondent; the Senior Regional Manager, who is the respondent herein is directed to process the file within a period of one month from the date of receipt of a copy of this order, on submission of the necessary documents by the petitioner

along with a copy of the original representation and the Zonal Manger shall pass appropriate orders within a period of three months from the date of receipt of the file from the Senior Regional Manager as per the rules and circular instructions.

4. The Writ Petition is disposed of with the above directions. No order as to costs.

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(DR. G.YETHIRAJULU, J)

August 9, 2004

Note:

Furnish copy in three days.

(B/o)

MRR/SKM

To:

1. The Senior Regional Manager, Food Corporation of India,
   HACA Bhavan, IIIrd Floor, Public Garden Road, Hyderabad.

2. Two C.D. Copies.